

C. Remarks

Applicants have cancelled claims 21, 23, 25, 33, and 35 without prejudice (i.e., the Applicants reserve their right to pursue these claims in a continuation application). Upon entry of the amendments above, claims 26, 28-32 and 36 will be pending. Applicants acknowledge the indication on page 3 of the May 26, 2004 Office Action that the currently pending claims, i.e., claims 26, 28-32 and 26 are allowed.

Drawings

Page 2 of the May 26, 2004 Office Action indicates that a “tip extension element coupled to the retractable tip and disposed in the cap” as recited in claims 21 and 33 must be shown or the feature canceled from the claims. The Applicants submit that canceling claims 21 and 33 without prejudice removes this ground for objection.

Rejection of Claims 21, 23, 25, 33, and 35 under 35 USC 112

Page 2 of the May 26, 2004 Office Action indicates that claims 21, 23, 25, 33, and 35 are rejected under 35 USC 112, first paragraph because the claims contain subject matter , which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Applicants submit that canceling claims 21, 23, 25, 33, and 35 without prejudice removes this ground for rejection.

Conclusion

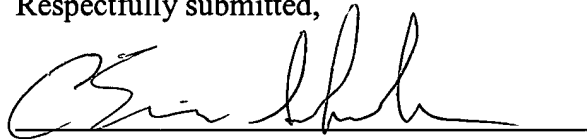
In light of the amendments and remarks above, Applicants believe that this application is in condition for allowance and respectfully request entry of this amendment and allowance of the application.

Applicant(s): Joseph Arruda et al.
U.S.S.N.: 09/944,625

If there are any questions regarding this amendment and these remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

The Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 17853-039.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Eric Schulman", is written over a horizontal line.

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